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1 The hierarchical formatted information of a request will generally be in the
2 form of http://foo.com/fooapp4/..../. This is only one example of the form the
3 hierarchical information may take. When the request, such as the URL shown, is
4 received, the UL service 402 will compare it with the contents of the configuration
5 file 404. (See page 16, lines 8-10; and Figs. 4-5 of the present Application.) Here,
6 a first portion of hierarchical information is "foo.com." This first portion of the
7 request is found in a Config Group A, which is illustrated in Fig. 5. Next,
8 "fooapp4" is compared with the contents of the configuration file 404. This
9 subsequent portion "fooapp4" is not referenced in one of the Config Groups, so a
10 user-mode process is selected from an application pool that corresponds to Config
11 Group A. (See page 8-14; and Fig. 5.)

12 The claims of the present Application set forth subject matter directed
13 towards, *inter alia*, the use of a hierarchical identifier to identify an appropriate
14 user-mode process.

15
16 Claim Rejection Under 35 U.S.C. § 102

17 Claim 1 stands rejected under 35 U.S.C. 102(e) as being unpatentable in
18 view of Bayeh, U.S. Patent No. 6,223,202. This rejection is respectfully traversed.

19 The Office states "Bayeh teaches the invention substantially as claimed."
20 (Emphasis added). The test for anticipation requires that a reference teach,
21 exactly, the claimed invention. A reference that "substantially" teaches the claims
22 is not an anticipatory reference.

23 Independent claim 1 includes the subject matter "comparing the
24 hierarchical identifier with at least a portion of a configuration file to identify an
25 appropriate user-mode process of a server device for handling the request."

1 (Emphasis added.) The Bayeh patent does not mention user-mode processes, let
2 alone the concept of using a hierarchical identifier to identify a user-mode process.
3 Therefore, the Bayeh patent does not anticipate claim 1 of the present Application.

4 In accordance with the foregoing, the Applicant respectfully requests
5 reconsideration and withdrawal of the claim rejection under 35 U.S.C. 102(e).
6

7 Claim Rejection Under 35 U.S.C. § 103

8 Claims 2-11 and 13-33 are rejected under 35 U.S.C. 103(a) as being
9 unpatentable over Bayeh, in view of Benitez et al (U.S. PG Pub 20020161908A1)
10 (hereafter "Benitez").

11 **Claim 13** recites:

12 A computer-readable medium having computer-executable
13 instructions for performing steps comprising:

14 causing a kernel-mode process in a server device to compare a
15 hierarchical identifier associated with a client device generated request with
16 at least a portion of a configuration file to identify a most applicable user-
17 mode process for handling the client device generated request within the
18 server device; and

19 causing the kernel-mode process to provide the client device
20 generated request to the identified most applicable user-mode process.
21

22 Turing now to the teachings relied upon the Office to reject the claims.
23 Bayeh discloses technology for virtual machine pooling. There is nothing in the
24 patent that suggests identifying user-mode processes in consideration of
25

1 hierarchical identifier, nor is there discussion in the patent that relates to kernel-
2 mode processes.

3 The Office recognizes the deficiencies of the Bayeh. (See page 4 of the
4 current Office Action.) In order to make up for those deficiencies, the Office has
5 relied upon the teachings of Benitez. The Office asserts the combination of Bayeh
6 and Benitez render the claims of the present Application unpatentable. In the
7 following, Applicant discusses the Benitez patent. The discussion will show that
8 Benitez does not make up of the deficiencies the Office acquiesces are present in
9 Bayeh. Therefore, the combination of Bayeh in view of Benitez is unable to
10 substantiate a proper rejection under 35 U.S.C. 103(a).

11 Benitez is directed to a system that partitions an application program into
12 page segments by observing the manner in which the application program is
13 conventionally installed. A minimal portion of the application program is installed
14 on a client system, yet the user launches the application in the same way that
15 applications on other client file systems are started. An application program
16 server streams the page segments to the client as the application program executes
17 on the client and the client stores the page segments in a cache. Page segments are
18 requested by the client from the application server whenever a page fault occurs
19 from the cache for the application program. (Benitez; Abstract.)

20 More specifically, Benitez describes the use of a client streaming software
21 604 to implement the system. (See paragraph [0187].) The client software [604]
22 includes a kernel-mode streaming file system driver and a user-mode client to
23 implement the system. (See paragraph [0193].) Benitez further describes mapping
24 certain filenames to indicate that those files, which may typically be installed on
25 the client device, are actually available from the server. The user-client is

1 designed to act as an intermediary between the streaming file system driver and
2 the server when a file is retrieved from the server. (See paragraph [0193], page 11,
3 lines 1-4.)

4 Paragraph [0161] of the Benitez patent describes how files that would
5 normally be local on a user's system are stored on a server for retrieval when their
6 use is desired. To achieve this result, Benitez uses conventional file spoofing. As
7 is described in the paragraph, a location of the file or files that would normally be
8 on the user's system is added to a spoofing database. The location reference in the
9 database includes a mapping to a location on the server where the file is actually
10 located. When the file system on the user's system requires a spoofed file, the
11 database is referenced as to where the file is located and then retrieved. In the
12 Benitez system, the client software 604 performs this retrieval function.

13 The Office contends the system of Benitez makes up for the deficiencies of
14 the Bayeh, and the combined teachings of the Bayeh and Benitez render the claims
15 of the present Application unpatentable. Foremost, the described system according
16 to Benitez uses a simple database to store references to spoofed files. When a file
17 is called by a user's system, and the file is not local, the client software 604 simply
18 uses the file name and its normal location to retrieve a reference to where the file
19 is located on the server. Whether or not the file name is hierarchical in nature
20 makes absolutely no difference to the Bayeh system; the Bayeh system simply
21 searches for the file name and the process ends at the point the filename is found,
22 or not.

23 What is apparent from the discussions of the Bayeh and Benitez is that
24 whether the teachings are taken alone or in combination together, the logical step
25 of comparing a hierarchical identifier with at least a portion of a configuration file

1 when identifying an appropriate user-mode process does not occur in either of the
2 patents relied upon by the Office. (See claim 13.) Thus, the combination does not
3 render the claims unpatentable.

4 For the reasons given above, claims 1 and 13 are allowable over the Bayeh
5 in view of Benitez. Applicant respectfully requests that the § 103 rejection be
6 withdrawn.


7 Claims 2-11 and 13-24 are allowable by virtue of their dependency on one
8 of the discussed independent claims.

9
10 **Conclusion**

11 Claims 1-11 and 13-24 are in condition for allowance. Applicant
12 respectfully requests reconsideration and prompt allowance of the subject
13 application. If any issue remains unresolved that would prevent allowance of this
14 case, **the Examiner is requested to urgently contact the undersigned attorney**
15 **to resolve the issue.**

16
17
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19 Date: 8-18-2006

Respectfully Submitted,

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